IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 138 OF 2004

M/s. B.D. Shah & Co. ... Applicants

Versus

Union of India ...Respondents.

with

ARBITRATION APPLICATION NO. 140 OF 2004

Dilip Tarachand Rathi ... Applicant

Versus

Union of India ...Respondents.

with

ARBITRATION APPLICATION NO. 141 OF 2004

Dilip Tarachand Rathi ... Applicant

Versus

Union of India ...Respondents.

with

ARBITRATION APPLICATION NO. 142 OF 2004

Dilip Tarachand Rathi ... Applicant

Versus

Union of India ...Respondents.

Mr. Udaya Sankar Samudrala for the applicants.
Mr. Suresh Mukar for respondents.

CORAM: **DALVEER BHANDARI, C.J.**
DATE: **OCTOBER 01, 2004**.

P.C.

Heard the learned counsel for the parties.

2. Sub-clause (3) (a) (i) of Clause 64 of general conditions of contracts reads as under:

> "Matter in question, dispute or difference to be arbitrated upon shall be referred for decision to:
>
> (i) A Sole Arbitrator who shall be the General Manager or a Gazetted Railway Office nominated by him in that behalf in cases where the claim in question is below Rs.5,00,000/- (Rupees Five lakhs only) and in cases where the issues involved are not of a complicated nature. The General Manager shall be the sole Judge to decide complicated nature"

3. The General Manager, Western Railway, is directed to either accept the arbitration or to appoint anyone in accordance with clause 64 above. The parties would be permitted to take all objections before the learned Arbitrator.

4. This application is accordingly disposed of.

CHIEF JUSTICE